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10/532,174	04/21/2005	Michael Finkenzeller	2002P17649WOUS	6182

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Siemens Corporation  
Intellectual Property Department  
170 Wood Avenue South  
Iselin, NJ 08830

EXAMINER
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MCLEOD, MARSHALL M

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/532,174	<b>Applicant(s)</b> FINKENZELLER ET AL.	
	<b>Examiner</b> MARSHALL MCLEOD	<b>Art Unit</b> 2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 28,30-38,40-46 and 48-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28,30-38,40-46 and 48-55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 28, 30-38, 40-46 and 48-55 are pending in this request for continued examination. Claims 29 and 39 have been cancelled.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 28, 30-38, 40-46 and 48-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Eneborg et al. (Patent. No 6,965,948 B1), hereinafter Eneborg.**

4. With respect to claims 28 and 53, Eneborg discloses a method for selecting network access to the internet from a telecommunication terminal, the telecommunications terminal comprising a plurality of network interfaces and a software application that processes Internet data (Column 1, lines 5-10), the method comprising: analyzing network access information which has been determined and recorded by the telecommunication terminal or an additional telecommunication terminal during network connections using different network accesses (Column 6, lines 14-20); wherein each network access comprises a network interface and a network access provider (Column 3, lines 25-34), and wherein the network access information from each one of the different network accesses has been stored in the telecommunication terminal or in the additional telecommunication terminal (Column 6, lines 21-31), and wherein

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the network access information stored in the additional telecommunication terminal is accessible to the telecommunication terminal via a data exchange network (Column 6, lines 14-20; See item 230 in Figure 2.), and wherein the step of analyzing further comprises analyzing all combinations of available network interfaces and available access providers (Column 6, lines 21-31; i.e. comparison between user preferences in access selection ... ), and wherein if the telecommunication terminal comprises a mobile telecommunication terminal, then the step of analyzing further comprises analyzing network access information for only networks within a defined area about the mobile telecommunication terminal (Column 7, lines 19-34); selecting a network access on the basis of the analyzed network access information responsive to user-specific parameters and software application-specific parameters, the selected network access for providing access to an access node (Column 2, lines 48-63); and selecting an Internet service provider to establish a connection from the access node to the Internet (Column 1, lines 12-21; i.e. it is inherent that upon choosing to access the internet a service provider is chosen, i.e. there is no internet access without a service provider).

5. With respect to claim 30, Eneborg discloses wherein the network access information includes information concerning the quality of the network accesses or the costs incurred for network connections via the said network accesses (Column 3, lines 15-24).

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6. With respect to claim 31, Eneborg discloses wherein the information about the quality of network accesses includes information on the services available from said network accesses or the connection quality of said network accesses (Column 5, lines 52-59).

7. With respect to claim 32, Eneborg discloses wherein the connection quality information includes information about the frequency of cut-outs and interruptions, or bandwidths, or data losses, or data delays, during network connections via the said network accesses (Column 3, lines 34-48).

8. With respect to claim 33, Eneborg discloses wherein the user-specific and the software application-specific parameters comprise adjustable parameters (Column 3, line 15-24).

9. With respect to claim 34, Eneborg discloses wherein the parameters include user-specific or application-specific requirements regarding network access quality (Column 5, lines 64-67 continued through to Column 6, lines 1-5).

10. With respect to claim 41, Eneborg discloses wherein the network access information is updated at regular intervals (Page 10, lines 3-7).

11. With respect to claim 42, Eneborg discloses wherein the network access information includes user-specific comments (Page 10, lines 3-7).

12. With respect to claim 43, Eneborg discloses wherein the network access information is stored on a central computer and/or the telecommunication terminal and/or the additional telecommunication terminal (Page 9, lines 14-21).

13. With respect to claim 46, Eneborg discloses wherein one or more data networks, for which a network access is selected, is or are the Internet or a fixed telecommunications network or a mobile radio communications network (Column 4, lines 47-58).

14. With respect to claim 48, Eneborg discloses wherein the data exchange connection has no intermediate devices (Column 4, lines 55-58).

15. With respect to claim 49, Eneborg discloses wherein the data exchange comprises a wireless LAN or via an ad hoc network or a Bluetooth interfaces or an infrared interfaces (Column 1, lines 12-18).

16. With respect to claim 50, Eneborg discloses wherein the selected network access is a network access which takes place via the additional telecommunication terminal and wherein data from the selected network access can be transmitted to the telecommunication terminal via the data exchange network (Column 5, lines 31-41).

17. With respect to claim 51, Eneborg discloses wherein the telecommunication terminal or the additional telecommunication terminal are mobile radio terminals or computers (Column 4, lines 47-58).

18. With respect to claim 52, Eneborg discloses wherein the network access information has been determined by measurements carried out only on the telecommunication terminal or the additional telecommunication terminal (Column 2, lines 30-33).

19. With respect to claim 54, Eneborg discloses a mechanism for analyzing network access information which has been determined by the telecommunication terminal or the additional telecommunication terminals during network connections via different network accesses (Column 3, lines 31-36); and a mechanism for selecting a network access on the basis of the analyzed network access information (Column 3, lines 48-52).

20. With respect to claim 55, Eneborg discloses wherein the device is integrated into a telecommunication terminal (Column 1, lines 6-16).

***Claim Rejections - 35 USC § 103***

21. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

22. **Claims 35-38 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eneborg, in view of Muller et al. (Patent No US 6356541 B1), hereinafter Muller.**

23. With respect to claim 35 the claim is rejected for the same reasons as claim 33 above. In addition, Eneborg does not disclose wherein the parameters include information regarding the location of the telecommunication terminal. However, Muller discloses wherein the parameters include information regarding the location of the telecommunication terminal (Column 1, lines 65-67 continued through to Column 2, lines 1-3).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings Eneborg with the teachings Muller in order to allow a network administrator or technician to manage and maintain the many terminals in a network.



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24. With respect to claim 36 the claim is rejected for the same reasons as claim 35 above. In addition, Eneborg does not disclose wherein a location of the telecommunication terminal is determined automatically. However, Muller discloses wherein a location of the telecommunication terminal is determined automatically (Column 9, lines 5-23).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings Eneborg with the teachings Muller in order to allow a network administrator or technician to manage and maintain the many terminals in a network.

25. With respect to claim 37 the claim is rejected for the same reasons as claim 35 above. In addition, Eneborg does not disclose wherein a location of the telecommunication terminal is determined by the user of the said telecommunication terminal. However, Muller discloses wherein a location of the telecommunication terminal is determined by the user of the said telecommunication terminal (Column 1, lines 65-67, continued through to Column 2, lines 1-6).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings Eneborg with the teachings Muller in order to allow a network administrator or user to maintain the terminal that they are using in the network.

26. With respect to claim 38 the claim is rejected for the same reasons as claim 35 above. In addition, Eneborg does not disclose that the location of the telecommunication terminal is determined by inquiring from a network access provider. However, Muller discloses that the

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location of the telecommunication terminal is determined by inquiring from a network access provider (Column 1, lines 65-67, continued through to Column 2, lines 1-6).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings Eneborg with the teachings Muller in order to allow a network administrator or technician to manage and maintain the many terminals in a network.

27. With respect to claim 40 the claim is rejected for the same reasons as claim 28 above. In addition, Eneborg does not disclose wherein network access information is made available to network service providers and/or network access providers. However, Muller discloses wherein network access information is made available to network service providers and/or network access providers (Column 6, lines 21-28).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings Eneborg with the teachings Muller in order to allow a network administrator or technician to manage and maintain the many terminals in a network.

**28. Claims 44-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eneborg in view of Tayloe et al. (Patent No US 5,826,188 A), hereinafter Tayloe.**

29. With respect to claim 44, the claim is rejected for the same reasons as claim 28 above. In addition Eneborg does not disclose wherein information about the location which the

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telecommunication terminal needs for the selected network access is determined from the selected network access using a service provided by a network access provider. However, Tayloe discloses wherein information about the location which the telecommunication terminal needs for the selected network access is determined from the selected network access using a service provided by a network access provider (Column 4, lines 1-35; i.e. cell network reads on service provided by a network access provider).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings Eneborg with the teachings Tayloe in order to allow a network administrator or technician to manage and maintain the many terminals in a network.

30. With respect to claim 45, the claim is rejected for the same reasons as claim 44 above. In addition Eneborg does not disclose wherein a navigation system determines the way from the present location of the telecommunication terminal to the location which the telecommunication terminal needs for the selected network access. However, Tayloe discloses wherein a navigation system determines the way from the present location of the telecommunication terminal to the location which the telecommunication terminal needs for the selected network access (Column 4, lines 1-12).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to modify the teachings Eneborg with the teachings Tayloe in order to allow a network administrator or technician to manage and maintain the many terminals in a network.

***Response to Arguments***

31. Applicant's arguments filed 04 February 2009 have been fully considered but they are not persuasive.

32. With respect to applicants arguments at the top of page 3 of the instant arguments. Applicants contend that “No where does Eneborg disclose that the "network access information [which] has been determined and recorded by the telecommunication terminal or an additional telecommunication terminal during earlier network connections using different network accesses”. The examiner respectfully disagree and refers applicants to Eneborg (Column 6, lines 14-20) which discloses that “current information about the network access (i.e. determined access information) via terminating device (i.e. telecommunication terminal) may be kept in information block 221, which may be stored (i.e. recorded) in a local memory. . . The examiner interprets this abbreviated cited portion of the prior art Eneborg to read upon applicant’s claim limitation.

33. With respect to applicants arguments in the middle of page 3 of the instant arguments. Applicants contend that “Eneborg does not disclose that the selected network access is responsive to user-specific parameters and software application-specific parameters.” The examiner respectfully disagrees and refers applicants to Eneborg (Column 2, lines 48-63) which discloses “. . . it would be desirable to permit an end device, particularly a mobile end device, to employ more sophisticated access network selection techniques so that a user can have preferred

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network accesses given various access options which might be available (e.g., "I want to use my own access devices whenever possible, and the cheapest public access device in all other cases") (i.e. software-specific parameters in the device). . . The examiner interprets this abbreviated cited portion of the prior art Eneborg to read upon applicant's claim limitation.

34. With respect to applicants arguments at the bottom of page 3 of the instant arguments. Applicants contend that "Eneborg does not analyze "all combinations of network interfaces and available access providers" as the Applicants now claim." The examiner respectfully disagrees and refers applicants to Eneborg (Column 6, lines 14-31; i.e. . . . comparison between user preferences in access selection . . . ). The examiner interprets this as the device uses the user preferences to compare and network access and interface as further stated in the cited (Column 6, lines 14-31) "When a suitable match is found between user preferences 211 and access information received from information block 221 related to the access characteristics of access network terminating device 220, that terminating device (and its corresponding access network) is selected."

35. With respect to applicants arguments at the top of page 4 of the instant arguments. Applicants contend that "there is no reference in Eneborg to the use of information collected by other telecommunication terminals or the exchange of that information over a data exchange network". The examiner respectfully disagrees and refers applicants to Eneborg (Column 4, lines 47-55) which discloses the many devices (i.e. telecommunications terminals) that can be used with the present invention which discloses using information collected by various devices

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(i.e. telecommunication terminals). Further, Eneborg (Column 5, lines 1-5 and Figure 1.) discloses the various types of networks that can be used to exchange data such as a LAN which is a computer network covering a small physical area where each device is directly connected to the next device in the LAN either wirelessly or wired. The examiner interprets a LAN to be a data exchange network as it can be used to exchange data directly from one device to the next without any intermediary devices.

36. With respect to applicants other arguments in which applicant contends that claims 53-55, 35-40, and 44-45, should be allowed as they depend from allowable claims. The examiner respectfully disagrees and refers applicants to the rejection to the claims above in addition to the examiner's response to applicants arguments also directly above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARSHALL MCLEOD whose telephone number is (571)270-3808. The examiner can normally be reached on Monday - Thursday 6:30 a.m-4:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/  
Primary Examiner, Art Unit 2457

Marshall McLeod  
Art Unit 2457  
6/4/2009